

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 77-19 (as
amended)

Introduced by Council President Freeman at request of County Executive
Legislative Day No. 77-4 Date: February 1, 1977

AN ACT to repeal Ordinance 20, heading, "Harford County Dog Ordinance Number 20", and Ordinance 20A, heading, "Licensing", all of the Harford County Commissioners Ordinances; and to enact in lieu thereof new Chapter 4, heading, "Animals", to be added to the Harford County Code (1975); said Chapter 4 to include Article 1, heading, "In General", Article 2, heading, "Animal Control Commission", Article 3, heading, "Licensing", and Article 4, heading, "Rules and Regulations", said Articles and Chapter to provide for a recodification of Ordinances 20 and 20A; to provide for the control of dogs in Harford County; to establish definitions, an Animal Control Commission, kennel regulations, licensing requirements, fees and penalties for the violation thereof and generally relating to the control of dogs in Harford County, Maryland.

By the Council, February 1, 1977

Introduced, read first time, ordered posted and public hearing scheduled
on: March 1, 1977

at: 7:15 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on March 1, 1977 and concluded on March 1, 1977.

Angela Markowski, Secretary

BILL NO. 77-19
AS AMENDED

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Ordinance 20, heading, "Harford County Dog
3 Ordinance No. 20", and Ordinance 20A, heading, "Licensing", be,
4 and they are hereby repealed and that new Chapter 4, heading,
5 "Animals", including Article 1, heading, "In General", Article 2,
6 heading, "Animal Control Commission", Article 3, heading,
7 "Licensing", and Article 4, heading, "Rules and Regulations", be,
8 and they are hereby added to the Harford County Code (1975) to
9 stand in lieu of the ordinances repealed, all to read as follows:

10 CHAPTER 4. ANIMALS.

11 ARTICLE 1. IN GENERAL.

12 Section 4-1. Definitions.

13 (a) Owner. Any person, partnership, association
14 or corporation owning, keeping or harboring a dog.

15 (b) Kennel. Any person, group of persons or
16 corporation engaged in the business of breeding, buying, selling
17 or boarding dogs.

18 (c) Pet Shop. An establishment which offers to
19 sell live animals of any species with the intent that they should
20 be kept as pets in the household.

21 (d) At Large. Any dog will be deemed to be at
22 large when he is off the property of his owner and not under the
23 restraint of a responsible person.

24 (e) Restraint. A dog is under restraint within the
25 meaning of this Chapter if he is controlled by a leash or under
26 the control and in view of an owner and obedient to that person's
27 commands, on or within a vehicle being driven or parked on the
28 street, or within the property limits of its owner or keeper.

29 (f) Animal Shelter or Animal Pound. Any premises
30 so designated by the Animal Control Commission for the purpose of
31 impounding and caring for the animals found running at large or in
32 violation of this Chapter.

1 (g) Animal Abandonment. Disposal of an animal in a
2 manner not allowed by law.

3 (h) Animal Control Commission. The duly appointed
4 Animal Control Commission of Harford County.

5 (i) Animal Control Warden. The person or persons
6 employed or designated as such by the Animal Control Commission
7 as its enforcement officer.

8 (j) Public Nuisance. Any dog repeatedly found at
9 large, making loud or objectionable sounds, damaging property,
10 or in any manner which is deemed to be doing damage to property
11 or the public health and well-being of the people, or which is
12 known to have bitten a person or shall have been determined by the
13 Animal Control Commission to be a detriment to public health,
14 welfare and safety, shall be deemed to be a public nuisance.

15 (k) Exposed to Rabies. A dog has been exposed to
16 rabies within the meaning of this Chapter if it has been bitten
17 by, or exposed to, any animal infected with rabies.

18 ARTICLE 2. ANIMAL CONTROL COMMISSION.

19 Section 4-2. Composition.

20 (a) The Commission shall consist of three (3) persons:
21 a member of the Harford County Health Department; a member of the
22 Humane Society of Harford County; and one (1) other resident of
23 Harford County to be appointed by the County Executive of Harford
24 County. The membership of the Commission shall not exceed three
25 (3) members. The term of office of Commission members shall be
26 three (3) years. The County Executive shall select the chairman
27 of the Commission. His term of office shall be for the period of
28 his term on the Commission.

29 (a) THE COMMISSION SHALL CONSIST OF THREE (3) PERSONS:
30 A MEMBER OF THE HARFORD COUNTY HEALTH DEPARTMENT, A MEMBER OF THE
31 HUMANE SOCIETY OF HARFORD COUNTY, AND ONE (1) RESIDENT OF HARFORD
32 COUNTY. ALL MEMBERS WILL BE APPOINTED BY THE COUNTY EXECUTIVE IN

1 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 313 AND 223 OF THE
2 CHARTER OF HARFORD COUNTY. THE TERM OF OFFICE OF COMMISSION
3 MEMBERS SHALL BE COTERMINOUS WITH THAT OF THE COUNTY EXECUTIVE.
4 THE COUNTY EXECUTIVE SHALL SELECT THE CHAIRMAN OF THE COMMISSION.
5 HIS TERM OF OFFICE SHALL BE FOR THE PERIOD OF HIS TERM ON THE
6 COMMISSION.

7 Section 4-3. Duties.

8 (a) The Commission shall meet as often as deemed
9 necessary by the Chairman to hear formal complaints which relate
10 to animals and to conduct such business as deemed necessary to
11 insure compliance with this Chapter. The Commission shall
12 promulgate rules and regulations governing methods of operation of
13 any animal pound or shelter, methods of collection, care and
14 disposal of animals and such additional regulations as may be
15 required for the enforcement of this Chapter. The Commission
16 shall annually prepare a budget for the operation of the animal
17 pound and the animal control activities as required to enforce
18 this Chapter and present it to the County Executive. The
19 Commission shall keep records and be directly responsible to the
20 County Executive.

21 Section 4-4. Animal Control Wardens.

22 (a) The Animal Control Wardens shall be recommended by
23 the Animal Control Commission to the County Executive for his
24 approval.

25 (b) The Animal Control Wardens shall be County employees
26 under the direction and supervision of the Commission.

27 Section 4-5. Enforcement.

28 (a) The provisions of this Chapter shall be enforced by
29 the appropriate law enforcement authority of Harford County and
30 the Animal Control Wardens who shall prosecute all persons found
31 violating the provisions of this Chapter.

32

1 ARTICLE 3. LICENSING.

2 Section 4-6. License Required.

3 (a) No person shall own, keep or harbor any dog within
4 the County unless such dog is licensed as herein provided.
5 Written application for such license shall be made to the
6 Department of Inspections, Licenses and Permits of Harford County.
7 The application shall state the name and address of the owner and
8 the name, breed, color, age and sex of the dog. The license fee
9 shall be paid at the time of making application; thereupon, a
10 receipt and a numbered identification tag shall be issued to the
11 owner.

12 (b) All dog licenses and kennel licenses and pet shop
13 licenses shall be issued for one (1) year beginning with the first
14 day of July. Applications for licenses may be made thirty (30)
15 FORTY-FIVE (45) days prior to and forty-five (45) days after the
16 start of the licensing year or within thirty (30) days of taking
17 up residency in the County without penalty. When application
18 is made after forty-five (45) days of the licensing year have
19 elapsed THE FIRST DAY OF JULY, the applicant shall be assessed
20 a penalty of fifty percent (50%) of the license fee which amount
21 shall be added and collected with the regular license fee;
22 provided, if the dog or kennel did not become subject to licensing
23 until after the start of the licensing year or if the dog owner
24 has been given a summons and is subject to pay a fine for failing
25 to have a proper license, then no penalty shall be assessed.

26 Section 4-7. Fees.

27 (a) Dogs: The yearly fee shall be Three Dollars (\$3)
28 for male dogs and spayed female dogs; Five Dollars (\$5) for female
29 dogs (unspayed). These tags shall be obtained when the dogs are
30 over six (6) months of age.

31 (a) DOGS. THE YEARLY FEE SHALL BE FIVE DOLLARS (\$5)
32 FOR STERILIZED DOGS; EIGHT DOLLARS (\$8) FOR UNSTERILIZED DOGS.

1 THESE TAGS SHALL BE OBTAINED WHEN THE DOGS BECOME SIX (6) MONTHS
2 OF AGE.

3 (b) SENIOR CITIZENS OVER SIXTY (60) YEARS OF AGE, ON THE
4 TAG FEES ONLY, SHALL PAY: THREE DOLLARS (\$3) FOR STERILIZED
5 DOGS AND FIVE DOLLARS (\$5) FOR UNSTERILIZED DOGS.

6 (c) Kennel. Every kennel which owns, harbors or keeps
7 from one (1) to nine (9) dogs over six (6) months of age confined
8 in a kennel shall pay an annual license fee of Twenty-five (25)
9 FIFTY Dollars (\$50); a fee of Fifty Dollars (\$50) SEVENTY-FIVE
10 DOLLARS (\$75) if the kennel owns, harbors or keeps from ten
11 (10) to twenty-five (25) dogs; and a fee of Seventy-five Dollars
12 (\$75) ONE HUNDRED DOLLARS (\$100) if the kennel owns, harbors or
13 keeps more than twenty-five (25) dogs.

14 (c) Pet Shop. Every pet shop shall apply for an annual
15 pet shop license. A fee shall be Fifty Dollars (\$50) per year;
16 however, pet shops shall not be required to have kennel licenses
17 but shall be required to maintain all requirements for the sale of
18 dogs which are required of kennels. Pet shops shall be required
19 to maintain satisfactory conditions as determined by the local
20 Health Department and meet all of the requirements which may be
21 set forth for them by the Maryland State Department of Health and
22 Mental Hygiene or the Maryland Livestock Sanitary Service of the
23 University of Maryland.

24 Section 4-8. Tags.

25 (a) The County shall provide annually metal tags to be
26 given to the owners of dogs when such owners shall pay the license
27 fee for said dogs; such tags shall be of metal and not more than
28 one (1) inch in length, have the serial number corresponding
29 with the number on the license issued, have a substantial metal
30 fastener with which to be fastened to a dog's collar. The
31 general shape of the tag shall be changed from year to year and
32 the tags furnished kennel owners shall have the word, kennel,

1 thereon and each kennel license holder will be entitled to ten
2 (10) identical tags. If any tag is lost, it shall be replaced
3 by the County or designated agent upon application by the person
4 to whom the actual tag was issued upon production of such license
5 and a fee of Ten Dollars (~~\$10~~) ONE DOLLAR (\$1). The owners
6 of kennel licenses shall only use their issued tags on dogs
7 owned by them.

8 (b) License tags shall be worn by the dogs at all times.

9 (c) The holders of kennel licenses shall, in writing,
10 submit to the Animal Control Commission within three (3) days, a
11 description of the animal, indicating age, sex, color and breed,
12 the names and addresses of the persons who receive dogs from their
13 kennels and their County residence.

14 (d) If there is a change of ownership of a dog or kennel
15 during the license year, the new owner may have the current license
16 transferred to his name upon payment of a transfer fee of One
17 Dollar (\$1).

18 Section 4-9. Guide Dog.

19 (a) If the application for a license discloses that the
20 dog for which a license is sought should be used as a guide dog
21 trained to aid the blind and it is actually used for this purpose,
22 the license shall be issued without payment of any fee and the
23 issuing agent shall issue across the face of the license in red
24 ink the words, Guide Dog.

25 Section 4-10. Police Dog.

26 (a) If the application for license discloses that the
27 dog for which a license is sought should be used as a police dog
28 trained for this field and it is actually used for this purpose,
29 the license shall be issued without payment of any fee and the
30 issuing agent shall issue across the face of the license in red
31 ink the words, Police Dog.

32

1 Section 4-11. Veterinary Hospital.

2 (a) Veterinary hospitals or clinics, research facilities,
3 where bona fide medical research is being conducted, humane
4 shelters and other animal establishments operated by veterinarians
5 are excluded in the kennel licensing requirements of this Chapter.

6 Section 4-12. Nonresidents.

7 (a) The licensing requirements of this Chapter shall not
8 apply to any dog belonging to a nonresident of the State and kept
9 within the boundaries of Maryland for not longer than thirty (30)
10 days.

11 Section 4-13. Monies Collected.

12 (a) All monies collected for the sale of dog licenses
13 shall be deposited in the General Fund of the County.

14 ARTICLE 4. RULES AND REGULATIONS.

15 Section 4-14. Restraint.

16 (a) The owner shall not permit a dog to be at large,
17 meaning to be off the premises or property of the owner, unless
18 under restraint, except dogs accompanied by the owner being used
19 or trained for hunting and dogs accompanied by their owners on
20 horseback. Damages which result from dogs' hunting activities
21 shall be the responsibility of the dog owners.

22 Section 4-15. Impoundment.

23 (a) An unlicensed dog or dogs found running at large
24 shall be taken to the Humane Society of Harford County and there
25 confined in a humane manner for a period of not less than five
26 (5) days, and may thereafter become the property of and may be
27 disposed of in a manner approved by the Animal Control Commission,
28 if not claimed by their owners.

29 (b) Licensed dogs running at large shall be held seven
30 (7) days and a reasonable effort made to contact the owner prior
31 to disposal. These unclaimed animals shall become the property
32 of and may be disposed of in a manner approved by the Animal

1 Control Commission if not claimed by their owners.

2 (c) When dogs are found running at large and their
3 ownership is known by the Animal Control Wardens, such dogs
4 need not be impounded, but the Animal Control Wardens shall, at
5 their discretion, cite the owners of such dogs to appear in court
6 to answer charges of violation of this Chapter.

7 (d) Immediately upon impounding dogs or other animals,
8 the Animal Control Wardens shall make a prompt and reasonable
9 effort to notify the owners of such dogs impounded, and inform
10 them of the conditions whereby they may regain custody of such
11 animals.

12 Section 4-16. Redemption of Impounded Animals.

13 (a) The owner shall be entitled to resume possession of
14 any impounded dog except as hereinafter provided and upon compliance
15 of the license provision of this Chapter and the payment of
16 impoundment fees set forth herein.

17 (b) Proof of ownership must be established. Proof of
18 ownership may include the license receipt, affidavits of
19 neighbors, a photograph, etc.

20 (c) Any dog impounded under the provisions of this
21 Chapter may be reclaimed by the owner upon payment of impoundment
22 fees.

23 Section 4-17. Impoundment Fees.

24 (a) Any dog impounded hereunder may be reclaimed as
25 herein provided upon payment by the owner to the Humane Society
26 of Harford County of the sum of Five Dollars (\$5) TEN DOLLARS (\$10).
27 An additional charge of One Dollar (\$1) TWO DOLLARS (\$2) for each
28 calendar day shall be added to the Impoundment Fee for boarding
29 the animal. Impoundment Fees set forth herein shall be collected
30 by the Animal Control Commission and such additional sums as herein
31 provided by animal control activities.

32 Section 4-18. Confinement of Certain Dogs.

1 (a) The owner of any female dog in estrus or a
2 condition commonly known as in heat or in season shall keep
3 the dog confined in a closed building equipped with adequate
4 flooring in such a manner that it will not be in contact with
5 another dog except for intentional breeding purposes.

6 (b) When in the judgment of the Animal Control Commission
7 or a graduate veterinarian a dog should be destroyed for humane
8 reasons, such dog shall be destroyed without a restriction of any
9 holding time.

10 Section 4-19. Nuisance.

11 (a) It is unlawful for any person to own or keep a dog
12 which disturbs the peace and quiet of any neighborhood in an
13 inhabited area, or which is vicious and bites any person. Upon
14 the sworn complaint before the District Court of Maryland for
15 Harford County of any two (2) or more persons of different house-
16 hold alleging that a dog disturbs the peace and quiet of any
17 neighborhood in an inhabited area of Harford County, or on the
18 sworn complaint of any one (1) or more persons that a dog is
19 vicious and has bitten any person, a summons shall be issued to the
20 owner or keeper of such dog to appear before the District Court of
21 Maryland for Harford County. Upon proof that the dog disturbs the
22 peace and quiet of any neighborhood in an inhabited area, or is
23 vicious and has bitten any person, the owner or keeper shall be
24 required to deliver up the offending dog to be destroyed in the
25 most humane manner possible, unless he removes the dog permanently
26 from the neighborhood. If the owner or keeper is required to
27 deliver up the dog to be disposed of or to remove it as aforesaid,
28 and he refuses or fails to do so, then it is the duty of the
29 appropriate law enforcement authority of the County or the Animal
30 Control Commission to seize the dog wherever it may be found and
31 to cause it to be disposed of in the most humane manner possible.
32 Notwithstanding the foregoing provisions of this Section, the

1 barking of hunting dogs in pursuit of game shall not be considered
2 a disturbance of the public peace for the purposes hereof.

3 Section 4-20. Killing of Livestock and Compensation.

4 (a) Any person may destroy any dog which he sees in the
5 act of pursuing, attacking, wounding, killing or escaping after
6 attacking, wounding or killing poultry or livestock, or attacking
7 human beings whether or not such dog or dogs bear the proper
8 license tag required by these provisions. There shall be no
9 liability on such persons in damages or otherwise for such
10 killing.

11 (b) When any inhabitant of this County shall have any
12 sheep, poultry or livestock destroyed or injured by a dog or dogs,
13 he may apply to the Animal Control Commission, who shall appoint
14 three (3) disinterested persons as appraisers to view and appraise
15 the damages sustained by him; at least one (1) of said appraisers
16 shall be an Animal Control Warden, and they, under oath, shall
17 state in writing to the County the number of sheep, poultry or
18 livestock killed, the character and extent of the injury, if any
19 done, and the amount of damages, upon which they shall all agree,
20 sustained by the owner; and both the appraisers and the owner of
21 the sheep, poultry or livestock shall make oath that they believe
22 the same to have been destroyed or injured by a dog or dogs; and
23 when the report of such proceedings has been filed, the County
24 shall review said report, and if in their judgment the amount of
25 damages stated is unfair, they shall award such amount as they deem
26 fair which award shall be paid out of the fund hereby created;
27 provided, however, that the said sworn report of the appraisers
28 shall be deemed prima facie evidence of the fairness of the award
29 of damages in each instance; and provided further, that the County
30 shall not change such an award unless they shall have personal
31 knowledge of its unfairness, or shall receive competent testimony
32 to the effect that the award is in excess of a fair commercial

1 valuation of the sheep, poultry or livestock injured or destroyed
2 by dogs. If the owner of the dog or dogs doing the damage is
3 known, it shall be the duty of the County to notify such owner or
4 owners to destroy the dog or dogs immediately. If such dog or
5 dogs are destroyed by the owner, after proper notice, he
6 shall be exempt from all further liability, but in case the
7 owner or owners shall refuse or neglect to destroy the dog or
8 dogs upon proper notice, the owner or owners shall be liable
9 to the County for damages to the same extent as he would be
10 liable in case of negligence or malicious destruction of
11 property, and the County may, in its discretion, have the Animal
12 Control Commission destroy the dog or dogs.

13 Section 4-21. Rabies.

14 (a) When any dog or other animal subject to rabies has
15 been bitten or attacked a person or attacked a person or which is
16 suspected of having rabies, such facts shall be immediately reported
17 to the County Health Department, and such animal shall not be
18 destroyed, but shall be confined in a way and for a time directed
19 by the County Health Officer. Such confinement shall be
20 terminated only with the consent of such County Health Officer.
21 The confinement shall be at the expense of the owner or custodian
22 of such animal. If the animal dies or has been destroyed, its
23 head shall be removed and sent immediately to the County Health
24 Department. The local Police Department or the County Sheriff
25 shall enforce all orders of the County Health Officer under this
26 provision.

27 Section 4-22. Reports of Bite Cases.

28 (a) It shall be the duty of every physician, other
29 medical practitioner, outpatient or accident room of any hospital
30 to report to the County Health Department the names and addresses
31 of persons treated for bites inflicted by dogs, together with such
32

1 information as will be helpful in rabies control. (Art. 43, Sec.
2 616 of the Health laws of Maryland).

3 Section 4-23. Responsibilities of Veterinarian.

4 (a) It shall be the duty of every veterinarian and every
5 resident of the State to report to the County Health Department
6 any animal considered by him to be rabid or to be a rabies suspect.

7 Section 4-24. Investigation.

8 (a) For the purpose of discharging the duties imposed by
9 this Chapter and to enforce its provisions, the Sheriff or his
10 authorized Deputies and the Animal Control Wardens are empowered
11 to enter upon any premises where there is probable cause to believe
12 that a violation of the provisions of this Chapter exists.

13 Section 4-25. Interference.

14 (a) No person shall interfere with, hinder or molest any
15 appropriately authorized law enforcement agency of the County or
16 the Animal Control Wardens in the performance of their duties or
17 seek to release any animal in their custody except as herein
18 provided.

19 Section 4-26. Records.

20 (a) It shall be the duty of the Animal Control Commission
21 to keep, or cause to be kept, accurate and detailed records of
22 impoundment and disposition of all dogs coming into their custody.

23 (b) It shall be the duty of the Animal Control
24 Commission to keep, or cause to be kept for one (1) year, accurate
25 and detailed records of the bite cases reported to them and
26 investigation of the same.

27 Section 4-27. Penalty.

28 Any person found guilty of violating any provision of
29 this Chapter shall be deemed guilty of a misdemeanor and shall be
30 fined a sum of not more than Fifty Dollars (\$50) for each offense.

31 SECTION 4-27.1. CIVIL PENALTY.

32 THE ANIMAL CONTROL WARDEN SHALL SERVE A VIOLATION

1 NOTICE TO ANY PERSON FOUND IN VIOLATION OF THIS ARTICLE. THE
2 NOTICE SHALL IMPOSE UPON SUCH VIOLATOR A CIVIL MONETARY PENALTY
3 OF FIFTEEN DOLLARS (\$15) WHICH SHALL BE PAID TO HARFORD COUNTY,
4 MARYLAND, WITHIN TEN (10) WEEKDAYS IN FULL SATISFACTION OF THE
5 ASSESSED PENALTY. THE PENALTY SHALL INCREASE TO TWENTY-FIVE
6 DOLLARS (\$25) FOR A SECOND OFFENSE AND FIFTY DOLLARS (\$50) FOR A
7 THIRD OFFENSE.

8 Section 2. *And Be It Further Enacted*, that if any provision or
9 provisions of this Act, or the particular application thereof,
10 shall be held to be invalid, the remaining provisions and their
11 application shall not be affected thereby. Should any provision
12 hereof be inconsistent with any rule, regulation or policy of any
13 other agency having jurisdiction, such provision shall be invalid,
14 but the remaining provisions and their application shall not be
15 affected thereby.

16 Section 3. *And Be It Further Enacted*, that this Act shall take
17 effect sixty (60) calendar days from the date it becomes law.

18 EFFECTIVE: June 6, 1977
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77-19

AS AMENDED

LIBER 3 PAGE 525

BY THE COUNCIL

Read the third time.

Passed LSD 77-10 April 5, 1977 (with amendments)

~~XXXXXXXXXXXX~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 6th day of April, 1977
at 3:00 o'clock P.M.

Angela Markowski, Secretary



BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive

Date 4-7-77

BY THE COUNCIL

This Bill, having been approved by the Executive
and returned to the Council, becomes law on April 7, 1977.

Angela Markowski
Angela Markowski, Council Secretary

EFFECTIVE: June 6, 1977

Rec'd for record 7/29/1977 at 9:00 A.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk

77-19

AS AMENDED